

STATEMENT OF HOWARD J. DUGOFF, ADMINISTRATOR,  
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BEFORE THE SUBCOMMITTEE ON COMMERCE,  
TRANSPORTATION, AND TOURISM OF THE  
COMMITTEE ON ENERGY AND COMMERCE

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I am pleased to appear before this Committee today to discuss the FYs 1982 and 1983 authorization levels for the hazardous materials transportation program of the Research and Special Programs Administration (RSPA). As the members of the Committee are certainly aware, the President is currently in the process of reviewing the entire Federal budget and submitted to Congress on March 10 a proposed amendment calling for widespread and substantial spending cuts. The authorization of \$8,332,000 for FY '82 about which we are speaking has been approved by the Administration.

Our budget request to Congress last year reflected our determination to upgrade our Hazardous Materials Transportation Safety Program within responsible spending limits. Although the Congress did not complete an FY '81 authorization bill, our request for appropriations, based on the same planning proposals, was approved and we have begun to implement important program improvements.

Federal/State Relationship

In carrying out our mandated responsibilities, we are keenly aware of the economic and social impacts of our actions. As a consequence, our programs are predicated upon a carefully circumscribed Federal role and strong complementary relationships with State and local governments and the private sector. We are charged with the responsibility to establish effective, uniform standards designed to protect the public health and safety without imposing undue costs or impediments to commerce.

While we are also expected to assure compliance with these standards, we cannot mount a nationwide Federal enforcement effort that would provide an adequate level of inspection to deter violations across all transport modes.

Because of the vast disparity in size between the regulated population and the Federal enforcement staff, the enforcement of our regulations must depend upon Federal/State partnership in order to be effective. To increase the overall national inspection and enforcement effort, we are encouraging the states to apply their existing enforcement resources to hazardous materials transportation safety.

Our approach is to provide states with an incentive to adopt Federal regulations in place of inconsistent State and local rules. State adoption of the Federal Hazardous Materials Regulations (Title 49, Parts 100-199) provides a single comprehensive, uniform set of nationwide standards. This uniformity not only simplifies inspection and enforcement activities for State personnel--it also simplifies compliance by the regulated population.

State adoption and enforcement of Federal Standards reduces the regulatory burden on industry by employing a single set of regulations for compliance. Because the states already have law enforcement officials in the field, there is no need to create additional organizations to enforce the hazardous materials regulations. The assignment of the appropriate agency within a particular state can be made by the state based upon an evaluation its own capabilities and resources. In most instances, we believe there already exists a State agency which could assume the local inspection and enforcement responsibility. Training

of State inspection and enforcement personnel in the Federal Regulations is essential to the success of such Federal/State effort.

### Training

In conjunction with our existing training program, we will be enlisting a number of State safety training facilities as Regional Training Centers to provide regional training for both State inspectors and enforcement personnel and members of the regulated community in how to use and comply with the Federal regulations. These Regional Training Centers will receive the largest funding portion, \$400,000 of an expected total outlay of \$950,000, for training operations in our FY '82 budget. Our approach is to share with the interested State and local governments in the start-up costs of a Regional Training Center, and to provide technical support and guidance in their delivery of training.

In the past, we have relied almost entirely on training being done at our Transportation Safety Institute in Oklahoma City. In the future, we will use the Regional Training Centers to supplement this training effort and bring it closer to State, local and industry students.

### Emergency Response

In FY '82, we plan to continue providing guidance for State and local officials in planning for how they will deal with hazardous materials emergencies. Effective emergency response requires a network of knowledge and trained emergency crews. The infinite number of possible accident sites, the wide range of materials that may be involved and the usually critical need for immediate action are the principal reasons that states and local jurisdictions have the primary role in responding to transportation emergencies. To acquire this capability, State and local personnel themselves must identify their particular problems and needs, and

implement their own community plans for emergency response. We have earmarked \$500,000 for program development and demonstration projects, whereby local governments or planning units will be helped to survey current physical and institutional frameworks for emergency response in a given area, determine what they need to do the job right, and plan to obtain it. We are close to completing one such project conducted through a cooperative agreement with the Puget Sound Council of Governments. Already, much of the planning methodology developed in this project has been adopted and is being used in other communities.

In addition to supporting local planning efforts, we are providing emergency response assistance in several other ways. For example, we have earmarked \$500,000 to expand distribution of the Hazardous Materials Emergency Response Guidebook which we issued last Fall. This Guidebook is a concise indexed reference tool which provides on-scene officials with detailed guidance for swift and precise response to transportation emergencies involving more than 1,600 different hazardous materials.

We have worked together with the U. S. Coast Guard to extend the capability of its National Response Center to deal with land-based pipeline accidents, hazardous waste spills, and hazardous materials accidents. Additionally, we have linked the National Response Center with the Chemical Emergency Transportation Center (CHEMTREC), an emergency response information service of the Chemical Manufacturers Association. CHEMTREC enjoys access to proprietary information for dealing with emergencies which individual firms would be reluctant to share with the Federal government, and thus it provides a vital service in dealing with the containment of hazardous incidents. As we started to do this year,

we will provide \$250,000 in FY '82 to the Coast Guard to perform its extended Response Center role.

#### Radioactive Materials Transport

In January of this year, we issued a Final Rule (HM-164) establishing specific routing regulations for the highway transportation of radioactive materials, including spent fuel. The requirements of the rule are based on the type of radioactive material shipped and the quantity--or activity--per shipment. As a result, it is applicable to a very wide range of commodities and materials and applies to routings between thousands of pairs of points. The rule will be effective on February 1, 1982.

The states will play a key role in selection of highway routes to be used by trucks carrying high-level shipments of radioactive materials under HM-164. While the regulation would preempt State and local restrictions which are inconsistent with DOT's rule, it offers much more flexibility to the states than was contemplated in a rule DOT proposed a year ago. Under the Final Rule, appropriate State agencies are encouraged to designate preferred routes based on analysis of certain risk factors and careful consideration of the views of city and county officials. States have the resources to conduct routing analyses and can consider local viewpoints. To assist the states in their selection process, DOT will soon issue guidelines for the states prescribing methods for selecting preferred routes.

Much of the emphasis on this rulemaking was on anticipated future shipments of spent nuclear fuel. Currently, there is little movement of such shipments. This is likely to remain so until one or more permanent repositories are established.

The Department of Energy (DOE) is now evaluating potential repository sites and identifying specific candidates, and will eventually establish

several such repositories. As the selection process moves ahead, we expect the spent fuel transportation alternatives - both modal and route choices - to become clearly identified by DOE. We also expect DOT to be called upon to evaluate the transport alternatives and plans that develop.

#### Information and Analysis

The great emphasis now placed on cost-benefit analysis of prospective regulations, places a substantial burden on us to develop and analyze quantitative information of both a statistical and engineering nature. An effective monitoring and inspection program is dependent on assembling correct information and its proper application.

To respond appropriately to these needs, we are requesting a total of \$500,000 for development of system software for our hazardous materials information system (HMIS). In broad terms, the objectives of the HMIS are to (1) determine needs for new regulations and changes in existing ones, (2) support administration of the regulatory program including compliance and enforcement, and (3) improve coordination between MTB, DOT modal administrations, other government agencies, and parties outside of the Federal government. On the rulemaking side, we will be using HMIS for such activities as forecasting changes in transportation patterns, identifying trends and performing risk analyses and assessments, and improving the ability to provide economic, environmental, and cost/benefit analyses of proposed regulations. We will also use the system to evaluate effectiveness and enforceability of those proposals.

With the establishment of the HMIS, we expect to have quick retrieval capability on such matters as commodity flow, indices of all regulations and exemptions; accident and incident data; technical information, enforcement and inspection activity; emergency response information from

NRC and CHEMTREC; and budget and program plans. Improved coordination through HMIS will be assisted by integrating data systems of the Federal Highway Administration, the Federal Railroad Administration, and the National Response Center, as well as existing MTB reporting systems.

In utilizing the funds which we are requesting for HMIS, we intend to maximize cost effectiveness by looking carefully at what information should be collected and stored, reducing administrative burdens and the amount of manual processing of information needed for MTB to perform its duties, and using the information made available to improve program planning and budgeting effectiveness, including resource allocation and program evaluation.

This completes my prepared remarks. My colleagues and I will be pleased to respond to your questions.